

APPEAL NO. 020953  
FILED MAY 29, 2002

Following a contested case hearing (CCH) held on March 18, 2002, pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act), the hearing officer resolved the disputed issues by determining that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_, and that she did not have disability.

The claimant appeals these determinations on evidentiary sufficiency grounds. She contends that the hearing officer's unappealed finding that, on \_\_\_\_\_, she felt a "pop" in her back while cleaning a cage and reaching for cat litter compels a finding that the claimant must therefore have sustained an injury, that is, damage or harm to the physical structure of her body. The respondent (self-insured) has filed a response urging the sufficiency of the evidence to support the challenged findings.

DECISION

Reversed and remanded for complete information concerning the self-insured's agent for service of process.

We must remand for the purpose of obtaining compliance with HB2600, which amended Section 410.164, effective June 17, 2001. Section 410.164 was amended by the addition of subsection (c), which provides as follows:

At each [CCH], as applicable, the insurance carrier shall file with the hearing officer and shall deliver to the claimant a single document stating the true corporate name of the insurance carrier and the name and address of the insurance carrier's registered agent for service of process. The document is part of the record of the [CCH].

In this case, the address provided for the registered agent was the name of the self-insured and a post office box, where service of process cannot be effectuated. Therefore, we remand so that a street address may be provided by the self-insured for its registered agent, in order to carry out the purpose of the legislation.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Workers' Compensation Commission's Division of Hearings, pursuant to Section 410.202 (amended June 17, 2001). See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Michael B. McShane  
Appeals Judge